

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL, INC., COMEDY)
PARTNERS, COUNTRY MUSIC)
TELEVISION, INC., PARAMOUNT)
PICTURES CORPORATION, and BLACK)
ENTERTAINMENT TELEVISION, LLC,)

Plaintiffs,)

vs.) NO. 07-CV-2203

YOUTUBE, INC., YOUTUBE, LLC,)
and GOOGLE, INC.,)

Defendants.)

THE FOOTBALL ASSOCIATION PREMIER)
LEAGUE LIMITED, BOURNE CO., et al.,)
on behalf of themselves and all)
others similarly situated,)

Plaintiffs,)

vs.) NO. 07-CV-3582

YOUTUBE, INC., YOUTUBE, LLC, and)
GOOGLE, INC.,)

Defendants.)

VIDEOTAPED DEPOSITION OF HEATHER GILLETTE

SAN FRANCISCO, CALIFORNIA

TUESDAY, AUGUST 12, 2008

BY: ANDREA M. IGNACIO HOWARD, CSR, RPR, CLR

CSR LICENSE NO. 9830

JOB NO. 15481

Figueira Decl. Tab

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1 GILLETTE 31-0002

2 daily basis?

3 MR. SHAPIRO: Objection; time frame.

4 THE WITNESS: Yeah.

5 MR. BROWNE: Q. During any time frame?

6 A Yes. As I stated earlier, we did do
7 proactive scanning at various stages, yes.

8 Q And you did that on a daily basis?

9 A Not necessarily, no. I'm not quite sure.
10 Are you asking me if we did consecutive days?

11 Q I'm just asking you basically if every day,
12 was there any point in time that every day YouTube
13 would proactively scan for potentially unauthorized
14 material on its website?

15 A There were definitely days where people
16 were -- were tasked with that. Whether they were able
17 to get to that or not in that day, that was not always
18 the case, but -- but yes, there -- yes, that -- they
19 were tasked with it.

20 Q And during what time frame were they tasked
21 with that?

22 A I do not recall actually the -- the periods
23 where we did proactive scanning when -- when exactly
24 they were.

25 Q Do you recall when it -- well, did it ever

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GILLETTE

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stop?

A Yes, it did.

Q Okay. Do you recall when?

A I recall that it was pre-acquisition. I'm fairly sure. I do not recall how early on we actually decided to stop doing that.

Q Who at YouTube made that decision to stop doing that?

A I believe legal. It was a legal decision.

Q And how did you come to learn of that decision?

MR. SHAPIRO: Don't recount any conversations with counsel.

THE WITNESS: Yeah, and I -- so this is privileged.

MR. BROWNE: Okay. Let me just add a couple of questions.

Q Did you learn of it from -- from YouTube's lawyers?

A Yes.

Q Okay. Did you learn of it in -- in any way outside of coming from YouTube's lawyers?

A I do not believe so, no.

Q What lawyer or lawyers told you about this?